

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

Office of Financial and Insurance Regulation

Enforcement Case No. 11-11401

Agency No. 12-028-L

Petitioner,

v

Eric Thomas Rushing  
System ID No. 0468156

Respondent.

Issued and entered  
this 27<sup>th</sup> day of September 2012  
by Randall S. Gregg  
Deputy Commissioner

**FINAL DECISION**

**I. BACKGROUND**

Respondent Eric Thomas Rushing is a licensed insurance producer. In June of 2011 the Office of Financial and Insurance Regulation (OFIR) received information that Respondent had engaged in fraudulent conduct in connection with producing false evidence of insurance. OFIR investigated the complaint and issued a Notice of Opportunity to Show Compliance (NOSC) alleging that the Respondent had provided justification for revocation of licensure pursuant to Section 1239(1)(h) of the Michigan Insurance Code (Code), MCL 500.1239(1)(h). Respondent participated in an OFIR NOSC conference. During the conference, Respondent admitted he had provided a fraudulent insurance certificate to the 38th District Court. Respondent agreed to sign and return a Consent Order and Stipulation to Revocation. Respondent also confirmed his address as that which is on record with OFIR.

On April 4, 2012, a Proposed Consent Order and Stipulation was sent to Respondent at his address of record. The due date for its return was April 26, 2012. It was not returned.

On June 15, 2012, OFIR issued and sent an Administrative Complaint and Order for Hearing (Administrative Complaint) to Respondent at his address of record. The Order for Hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of

the case, file a response to the allegations with a statement that Respondent planned to attend the hearing, or request an adjournment. Respondent failed to take any of these actions.

OFIR Staff then filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to answer, Petitioner's motion is granted. The Administrative Complaint, being unchallenged, is accepted as true. Based upon the Administrative Complaint, the Commissioner makes the following Findings of Fact and Conclusions of Law.

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On April 9, 2011, Respondent was cited with two civil infractions: (1) No Proof of Insurance, contrary to MCL 257.328(1), and (2) Violation of Safety Belt law, contrary to MCL 257.710e.
2. On May 4, 2011, Respondent provided the 38th District Court with documentation showing that his automobile was insured through Geico Indemnity Company.
3. M. B., Deputy Clerk for the 38th District Court, contacted Geico and discovered that no such policy number or any policies under Respondent's name existed. She also noted that the documentation included a misspelling ("any secretary of state license plate brance (sic) office").
4. After his arrest, but prior to questioning, Respondent told police investigators that his cousin, F. W., had printed out the insurance documentation for him.
5. F. W. is not, and has never been, licensed as an insurance producer in Michigan or in any other state.
6. On or about May 5, 2011, a criminal complaint was filed with the 38<sup>th</sup> District Court in the County of Macomb, charging Respondent with one count of Possession/Sale of Stolen/Counterfeit Insurance Certificates, a felony, MCL 257.329(1), and one count of Producing False Evidence of Insurance, a misdemeanor, MCL 257.328.
7. On or about May 11, 2011, Respondent pled guilty to Count II, Producing False Evidence of Insurance. Count I, Possession/Sale of Stolen/Counterfeit Insurance Certificates, was dismissed. Respondent was fined \$773.00.
8. Section 1239(1) of the Insurance Code, MCL 500.1239(1), provides:

In addition to any other powers under this act, the commissioner may place on probation, suspend, or revoke an insurance producer's license or may levy a civil fine under section 1244 or

any combination of actions, and the commissioner shall refuse to issue a license under section 1205 or 1206a, for any 1 or more of the following causes:

\* \* \*

(h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

9. By producing false evidence of insurance to the 38<sup>th</sup> District Court, Respondent engaged in fraudulent and dishonest practices and demonstrated untrustworthiness and financial irresponsibility in the conduct of business, thus providing justification for revocation under Section 1239(1)(h).

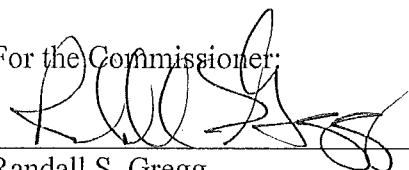
### III. ORDER

Based on the Respondent's conduct and the applicable law cited above, it is ordered that:

1. Respondent shall cease and desist from violating the Michigan Insurance Code.
2. All insurance licenses of Eric Thomas Rushing are REVOKED.

R. Kevin Clinton  
Commissioner

For the Commissioner:

  
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Randall S. Gregg  
Deputy Commissioner